

### **REMARKS**

In response to the final Official Action of April 7, 2005, claims 1 and 15 have been amended in a manner which is believed to more particularly point out and distinctly claim the invention in a manner which is believed to distinguish the claimed invention over the prior art. For reasons set forth below, it is believed that no new issues are raised by the amendment to claims 1 and 15 and therefore that this Amendment After Final should be entered.

More particularly, referring to paragraph number 1 of the final Official Action entitled "Response to Arguments," it is noted that the Examiner agrees with applicant's assertion that Acampora does not teach a mobile station moving in the network that already has set up a call. The Examiner however goes on to note that applicant did not specifically claim this particular limitation in the claims. The present amendment to independent claims 1 and 15 now particularly points out and distinctly claims tracking the locations of a mobile station moving in the cellular telecommunications network, where a communication has been established between the mobile station and the cellular telecommunication network. The amendment of claims 1 and 15 is not believed to raise new issues since the limitation now recited in amended claims 1 and 15 was specifically discussed in applicant's previous amendment of October 13, 2004. The amendment to claims 1 and 15 is further supported by the original application as filed, including Figures 2 and 3 and the accompanying description at page 6, line 17 through page 9, line 3. The amendment to claims 1 and 15 thus comport with the limitation that the Examiner agrees Acampora does not teach. In fact, Acampora, as noted by the Examiner at column 3, lines 24-55, is particularly directed to a cell-cluster controller that controls admission of new calls to the cell-cluster and admits or rejects the calls based on a number of parameters, including the number of existing calls of each class in the cell-cluster, traffic characteristics, quality-of-service (QOS) requirements of each class, and scheduling or sharing policy of different call classes in each base station of the cell-cluster.

Clearly, Acampora does not contemplate a method of communicating data in a cellular telecommunications network wherein the tracking of the locations of a mobile station moving in the cellular telecommunication network is where a communication has been established between the mobile station and the cellular telecommunication network so that data communication to or from the mobile station at the current location of the mobile station is prioritized in a scheduling step

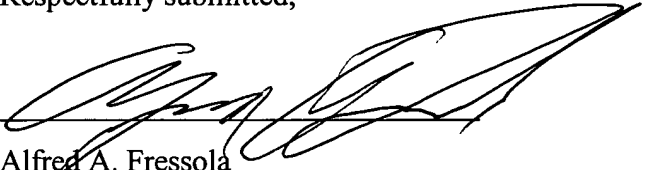
when the available capacity at future locations is less than that at the current location and wherein the data communication to and from the mobile station at the current location of the mobile station is delayed in the scheduling step when the available capacity at future locations is higher than that at the current location. There would be no motivation to combine the teachings of Kadoshima and Wieczorek with Acampora to suggest amended claims 1 and 15 since Acampora does not deal with a mobile station and a cellular telecommunication network where a communication has been established between the mobile station and the cellular telecommunication network, but rather Acampora is directed to whether a mobile station shall be granted admission to a cell.

For all of these reasons, as well as those presented in applicant's remarks accompanying its response filed on October 13, 2005, it is respectfully submitted that independent method claim 1 and independent telecommunications system claim 15 are distinguished over Acampora further in view of Kadoshima further in view of Wieczorek. Since independent claims 1 and 15 are distinguished over the cited art, it is respectfully submitted that method claims 2-14, which all ultimately depend from amended claim 1, and claims 16-28, which all ultimately depend from amended system claim 15, are further distinguished over the cited art.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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